

**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

MARNIE O'BRIEN,)	
)	
Plaintiff,)	
)	
v.)	
)	
MIDDLE EAST FORUM,)	
DANIEL PIPES (individually), and)	
GREGG ROMAN (individually),)	C.A. No. 19-06078 JMG
)	
Defendants.)	
)	
GREGG ROMAN,)	
)	
Counterclaim Plaintiff,)	
)	
v.)	
)	
MARNIE O'BRIEN,)	
)	
Counterclaim Defendant,)	

DEFENDANTS' PROPOSED SPECIAL INTERROGATORIES

Defendants Middle East Forum, Daniel Pipes, and Gregg Roman, by and through their counsel, respectfully submit their Proposed Special Jury Interrogatories.

A. Hostile Work Environment

1. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that she was subjected to intentional discrimination solely on the basis of her sex?

RESPONSE: Yes No

If you answered "No" to Question #1, STOP your deliberations on Section A and proceed to Section B. If you answered "Yes" to Question #1 go to Question #2.

2. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that the discrimination was severe or pervasive?

RESPONSE: _____ Yes _____ No

If you answered "No" to Question #2, STOP your deliberations on Section A and proceed to Section B. If you answered "Yes" to Question #2 go to Question #3.

3. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that the discrimination detrimentally affected her personally?

RESPONSE: _____ Yes _____ No

If you answered "No" to Question #3, STOP your deliberations on Section A and proceed to Section B. If you answered "Yes" to Question #3 go to Question #4.

4. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that the discrimination would have detrimentally affected a reasonable person in similar circumstances?

RESPONSE: _____ Yes _____ No

If you answered "No" to Question #4, STOP your deliberations on Section A and proceed to Section B. If you answered "Yes" to Question #4 go to Question #5.

5. Has the Defendant, The Middle East Forum, proven by a preponderance of the evidence that they exercised reasonable care to prevent and correct promptly any sexually harassing behavior?

RESPONSE: _____ Yes _____ No

If you answered "No" to Question #5, STOP your deliberations on Section A and proceed to Section B. If you answered "Yes" to Question #5 go to Question #6.

6. Has the Defendant, The Middle East Forum, proven by a preponderance of the evidence that Plaintiff, Marnie O'Brien, unreasonably failed to take advantage of those remedial opportunities by not promptly reporting any harassment to the Defendant?

RESPONSE: ☐ Yes ☐ No

Please proceed to Section B.

B. Constructive Discharge

7. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that she was intentionally subjected to working conditions so intolerable that any reasonable person would have resigned their employment under similar circumstances?

RESPONSE: ☐ Yes ☐ No

If you answered "No" to Question #7, STOP your deliberations on Section B and proceed to Section C. If you answered "Yes" to Question #7 go to Question #8.

8. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that she was intentionally subjected to intolerable working conditions solely due to discrimination on the basis of her sex?

RESPONSE: ☐ Yes ☐ No

Please proceed to Section C.

C. Pay Discrimination

9. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that she was intentionally paid less than her similarly situated male counterparts solely due to discrimination on the basis of her sex?

RESPONSE: ☐ Yes ☐ No

Please proceed to Section D.

D. Aiding and Abetting

10. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that Defendant, Gregg Roman, aided and abetted a discriminatory practice carried out by Defendant, The Middle East Forum?

RESPONSE: ☐ Yes ☐ No

Please proceed to Question # 11.

11. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that Defendant, Daniel Pipes, aided and abetted a discriminatory practice carried out by Defendant, The Middle East Forum?

RESPONSE: ☐ Yes ☐ No

Please proceed to Section E.

E. Abuse of Process

12. Has the Defendant, Gregg Roman, proven by a preponderance of the evidence that Plaintiff, Marnie O'Brien, used the legal process in a wrongful manner, influenced by an ulterior motive, that caused damage to Defendant?

RESPONSE: ☐ Yes ☐ No

Please proceed to Section F.

F. Damages

Economic Damages

13. Has the Defendant, The Middle East Forum, proven by a preponderance of the evidence that Plaintiff, Marnie O'Brien, failed to mitigate her damages by not taking reasonable steps to secure suitable alternative employment?

RESPONSE: _____ Yes _____ No

If you answered "Yes" to Question #13, STOP your deliberations on Section "Economic Damages" and proceed to Section "Compensatory Damages." If you answered "No" to Question #13 go to Question #14.

14. What amount of back pay, if any, do you award to Plaintiff, Marnie O'Brien?

RESPONSE: _____

15. What amount of front pay, if any, do you award to Plaintiff, Marnie O'Brien?

RESPONSE: _____

Please proceed to Section "Compensatory Damages."

Compensatory Damages

16. What amount of compensatory damages, if any, do you award to Plaintiff, Marnie O'Brien?

RESPONSE: _____

Punitive Damages

17. Has the Plaintiff, Marnie O'Brien, proven by a preponderance of the evidence that management of, Defendant, The Middle East Forum, acted maliciously, with an intent to harm, or recklessly, with serious disregard for Plaintiff's rights?

RESPONSE: _____ Yes _____ No

If you answered “No” to Question #17, STOP your deliberations on Section “Punitive Damages” and proceed to Section “Aiding and Abetting.” If you answered “Yes” to Question #17 go to Question #18.

18. What amount of punitive damages, if any, do you award to Plaintiff, Marnie O’Brien?

RESPONSE: _____

Please proceed to Section “Aiding and Abetting”

Aiding and Abetting

19. If you Answered “Yes” to Question 10, what amount of damages, if any, do you award against Defendant, Gregg Roman?

RESPONSE: _____

20. If you Answered “Yes” to Question 11, what amount of damages, if any, do you award against Defendant, Daniel Pipes?

RESPONSE: _____

Please proceed to Section “Abuse of Process”

Abuse of Process

21. If you Answered “Yes” to Question 12, what amount of actual damages, if any, do you award to Defendant, Gregg Roman?

RESPONSE: _____

22. If you Answered “Yes” to Question 12, what amount of punitive damages, if any, do you award to Defendant, Gregg Roman?

RESPONSE: _____

PLEASE SIGN THE FORM BELOW AND NOTIFY THE DEPUTY CLERK THAT YOU HAVE REACHED A VERDICT.

DATED

FOREPERSON

CERTIFICATE OF SERVICE

I, Jakob Williams, Esquire, hereby certify that on July 16, 2021, the foregoing document was served upon the following parties via CMECF Electronic Filing:

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